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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 GEN-PROBE INCORPORATED, a Delaware)
11 corporation,)

12 Plaintiff,)

13 v.)

14 BECTON, DICKINSON AND COMPANY, a)
New Jersey corporation,)

15 Defendant.)
_____)

16 BECTON, DICKINSON AND COMPANY, a)
17 New Jersey corporation,)

18 Counterclaimant,)

19 v.)

20 GEN-PROBE INCORPORATED, a Delaware)
corporation,)

21 Counterdefendant.)
_____)

Civil No. 09cv2319 BEN (NLS)
Civil No. 10cv0602 BEN (NLS)

**ORDER GRANTING JOINT MOTION
TO AMEND THE THIRD AMENDED
SCHEDULING ORDER**

[Doc. No. 234]

1 The court has reviewed the parties' joint motion to amend the Third Amended Scheduling Order.
2 For good cause shown, the court **GRANTS** the motion and **ORDERS** that the following deadlines take
3 effect:

- 4 1. The deadline to conduct all fact discovery is **April 20, 2012**.
- 5 2. Initial expert reports shall be exchanged by **May 7, 2012**.
- 6 3. Rebuttal expert reports shall be exchanged by **May 29, 2012**.
- 7 4. All expert discovery shall be conducted by **June 15, 2012**.
- 8 5. All motions, other than motions to amend or join parties, or motions in limine, shall be
9 filed by **June 18, 2012**.
- 10 6. All other dates in the Third Amended Scheduling Order remain unchanged.

11 The court **FURTHER ORDERS**:

- 12 7. BD shall respond to Interrogatory Nos. 10-13 by **March 20, 2012**.
- 13 8. The parties shall meet and confer and, by **March 12, 2012**, set a schedule for all noticed
14 fact depositions, including Rule 30(b)(6) depositions, so that they may be completed by
15 April 20, 2012. The schedule shall include the time, place and duration of each
16 deposition. The court expects the parties to work out these logistics and not bring a
17 dispute to the court's attention regarding the schedule. If the parties cannot agree on
18 time, place and duration for each deposition, the court will impose its own deposition
19 schedule.
- 20 9. Regarding BD's request to continue the September 10, 2012 Pretrial Conference based on
21 lead counsel's trial obligations in another court starting on October 1, 2012, lead counsel
22 can bring trial scheduling matters to the district judge's attention at the pretrial
23 conference.

24 **IT IS SO ORDERED.**

25 DATED: March 2, 2012

26 

27 Hon. Nita L. Stormes
28 U.S. Magistrate Judge
United States District Court